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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**
14

15 **IN RE: HIGH-TECH EMPLOYEE**
16 **ANTITRUST LITIGATION**

Master Docket No. 11-CV-2509-LHK

17 **THIS DOCUMENT RELATES TO:**
18
19 **ALL ACTIONS**
20

DECLARATION OF LAWRENCE S.
ACHORN IN SUPPORT OF
DEFENDANTS' JOINT
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL

1 I, Lawrence S. Achorn, hereby declare and say:

2 1. I am a Senior Litigation Counsel at Intel Corporation. I have personal
3 knowledge of the matters stated in this declaration, except those matters identified below
4 as being based on information and belief. I make this declaration in support of
5 Defendants' Joint Administrative Motion to File Under Seal that is being filed
6 concurrently with this declaration. If called and sworn as a witness, I could and would
7 competently testify to the matters stated below.

8 **The Confidential Information that Should Be Sealed**

9 2. I have reviewed portions of Exhibit 148 to the Declaration of Dean M.
10 Harvey in Support of Plaintiffs' Opposition Brief Re Dkts 554, 556, 557, 559, 560, 561,
11 564, and 570 (Dkt. No. 607-1). I am informed and believe that Harvey Declaration Exhibit
12 148 is a compilation of a white paper and supporting documents provided by Intel
13 Corporation to the United States Department of Justice on January 25, 2010. One such
14 supporting document, marked as Exhibit 37, is a letter that I am informed and believe Intel
15 received from ATI Technology raising concerns about Intel's recruiting of ATI employees
16 and the possible misappropriation of trade secrets (the "ATI Letter"). I am informed and
17 believe that Exhibit 148 was produced by Intel and designated "CONFIDENTIAL –
18 ATTORNEY'S EYES ONLY" pursuant to the protective order in this Action (Dkt. 107).

19 3. The ATI Letter specifically identifies by name certain Intel employees who
20 were allegedly involved with recruiting issues raised in ATI's Letter. To preserve the
21 privacy rights of these individuals, I have identified redactions to remove the names of
22 these individuals from the ATI Letter.

23 **The Reasons for Sealing the Redacted Information**

24 4. Through my experience working at Intel, I am familiar with letters from
25 companies raising concerns about Intel's recruiting of their employees and the possible
26 misappropriation of trade secrets.

27 5. Intel's practice is to treat letters like the ATI Letter as confidential and not to
28 disclose them outside of the company. I am informed and believe that Intel has taken

1 reasonable steps to ensure that this document remains confidential, including designating it
2 as "ATTORNEY'S EYES ONLY" pursuant to the protective order filed in this Action.

3 6. I am informed and believe that ATI never initiated any legal action based on
4 the allegations in the ATI Letter.

5 7. To preserve the privacy rights of the specific individuals named in ATI
6 Letter, their names should be redacted before this document is filed in the public record.

7 **The Particularized Harm Disclosure Would Cause**

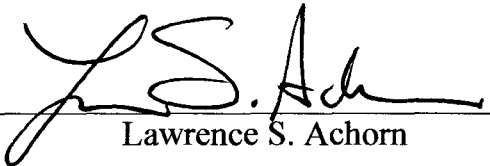
8 8. The ATI Letter describes allegedly improper recruiting actions taken by the
9 named individuals, including allegations that these individuals made misrepresentations in
10 connection with their recruiting efforts and engaged in targeted raiding of ATI's
11 employees in violation of ATI's rights.

12 9. As noted above, ATI ultimately did not pursue any claims against Intel based
13 on the alleged conduct of these individuals. Publicly disclosing the names of these
14 individuals in connection with these unproven, and ultimately not pursued, allegations
15 threatens their privacy rights by creating the impression that they were involved in
16 improper recruiting activity, which could harm both their personal and professional
17 reputation.

18 10. Because the information redacted in the ATI Letter cannot be disclosed
19 without causing particularized harm to the individuals named in the ATI Letter, those
20 names should be redacted and protected from public disclosure.

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct.

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4 Executed this 21st day of February 2014, at Oakland, California.

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Lawrence S. Achorn